



General Assembly

Amendment

January Session, 2015

LCO No. 6992



Offered by:

REP. URBAN, 43rd Dist.

SEN. BARTOLOMEO, 13th Dist.

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To: Subst. House Bill No. **6897**

File No. 184

Cal. No. 127

***"AN ACT CONCERNING THE APPLICATION OF PESTICIDES AT
STATE-OPERATED PARKS, ATHLETIC FIELDS AND
PLAYGROUNDS."***

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 10-231a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 As used in sections 10-231b to 10-231d, inclusive: [, and section 19a-
6 79a,]

7 (1) ["pesticide"] "Pesticide" means a fungicide used on plants, an
8 insecticide, a herbicide or a rodenticide, but does not mean a pesticide
9 bait in a tamper-proof container, a sanitizer, a disinfectant [,] or an
10 antimicrobial agent; [or pesticide bait,]

11 (2) ["lawn care pesticide"] "Lawn care pesticide" means a pesticide
12 registered by the United States Environmental Protection Agency and
13 labeled pursuant to the federal Insecticide, Fungicide and Rodenticide
14 Act for use in lawn, garden and ornamental sites or areas, [and] but
15 shall not include any: (A) Microbial pesticide or biochemical pesticide
16 that is registered with the United States Environmental Protection
17 Agency, (B) horticultural soap or oil that is registered with the United
18 States Environmental Protection Agency, and that does not contain any
19 synthetic pesticide or synergist, or (C) a pesticide classified by the
20 United States Environmental Protection Agency as an exempt material
21 under 40 CFR 152.25;

22 (3) ["integrated pest management"] "Integrated pest management"
23 means use of all available pest control techniques, including judicious
24 use of pesticides, when warranted, to maintain a pest population at or
25 below an acceptable level, while decreasing the use of pesticides;

26 (4) "Biochemical pesticide" means a naturally occurring substance
27 that controls pests by nontoxic mechanisms; and

28 (5) "Microbial pesticide" means a pesticide that consists of a
29 microorganism as the active ingredient.

30 Sec. 2. (NEW) (*Effective July 1, 2015*) (a) As used in this section:

31 (1) "Athletic field" means any field or open space used for sporting
32 or sporting-related activities, but does not include a golf course or any
33 field or open space used for professional sporting or located on the
34 premises of a technical high school, college or university and that is
35 used for sporting or sporting-related activities;

36 (2) "Biochemical pesticide" means a naturally occurring substance
37 that controls pests by nontoxic mechanisms;

38 (3) "Certified pesticide applicator" means a pesticide applicator with
39 (A) supervisory certification under section 22a-54 of the general
40 statutes, or (B) operational certification under section 22a-54 of the

41 general statutes, who operates under the direct supervision of a
42 pesticide applicator with said supervisory certification;

43 (4) "Controlling authority" means the executive head of any state
44 department responsible for the maintenance of any state-operated
45 park, state-operated athletic field or state-operated playground, or
46 such person's designee;

47 (5) "Lawn" means any area of ground that is covered with any
48 species of grass and that is customarily kept mowed;

49 (6) "Lawn care pesticide" means a pesticide registered by the United
50 States Environmental Protection Agency and labeled pursuant to the
51 federal Insecticide, Fungicide and Rodenticide Act for use in lawn,
52 garden and ornamental sites or areas, but shall not include any: (A)
53 Microbial pesticide or biochemical pesticide that is registered with the
54 United States Environmental Protection Agency, (B) horticultural soap
55 or oil that is registered with the United States Environmental
56 Protection Agency, and that does not contain any synthetic pesticide or
57 synergist, or (C) a pesticide classified by the United States
58 Environmental Protection Agency as an exempt material under 40 CFR
59 152.25;

60 (7) "Microbial pesticide" means a pesticide that consists of a
61 microorganism as the active ingredient; and

62 (8) "Pesticide" means a fungicide used on plants, an insecticide, a
63 herbicide or a rodenticide, but does not mean a pesticide bait in a
64 tamper-proof container, a sanitizer, a disinfectant or an antimicrobial
65 agent.

66 (b) Notwithstanding the provisions of section 22a-66l of the general
67 statutes, no person shall apply pesticide or lawn care pesticide on any
68 lawn, playground or athletic field within any state-operated park,
69 state-operated athletic field or state-operated playground, except a
70 certified pesticide applicator may make an emergency application of
71 pesticide or lawn care pesticide to eliminate an immediate threat to

72 human health, as determined by the controlling authority in
 73 consultation with the Commissioner of Energy and Environmental
 74 Protection, including, but not limited to, the elimination of mosquitoes,
 75 ticks and stinging insects, provided such emergency application of
 76 pesticide or lawn care pesticide does not involve a restricted use
 77 pesticide, as defined in section 22a-47 of the general statutes.

78 (c) If a controlling authority determines an emergency application of
 79 pesticide or lawn care pesticide is necessary pursuant to subsection (b)
 80 of this section, the controlling authority shall, within the existing
 81 budgetary resources available to the controlling authority, provide
 82 public notice of such application as soon as practicable. Such public
 83 notice shall be posted on the premises of such state-operated park,
 84 state-operated athletic field or state-operated playground, and on any
 85 Internet web site operated by such controlling authority. Notice under
 86 this subsection shall include (1) the name of the active ingredient of the
 87 pesticide or lawn care pesticide being applied, (2) the target pest, (3)
 88 the location of the application of pesticide or lawn care pesticide on the
 89 grounds of such state-operated park, state-operated athletic field or
 90 state-operated playground, and (4) the date or proposed date of the
 91 application of pesticide or lawn care pesticide. A copy of each notice of
 92 such application of pesticide or lawn care pesticide at such state-
 93 operated park, state-operated athletic field or state-operated
 94 playground shall be maintained by the controlling authority for a
 95 period of five years from the date of application of the pesticide or
 96 lawn care pesticide and shall be made available to members of the
 97 public at an easily accessible location."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	10-231a
Sec. 2	<i>July 1, 2015</i>	New section